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Civic Ignorance and Democratic Accountability

Sheila Kennedy*

There is growing recognition that Americans’ diminished civic participation and the erosion of democratic norms are linked to low levels of civic literacy, defined as a basic understanding of the structures and values of American Constitutional government. This Essay considers the evidence for that link and the importance of civic education in a diverse society.

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INTRODUCTION

For at least the past decade, political scientists have expressed growing concern over the erosion of democratic norms as well as the inadequacies and outright corruption of both governance structures and electoral processes.¹ Those expressions of concern markedly accelerated in the

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1. See Nancy Bermeo, *On Democratic Backsliding*, 27 J. DEMOCRACY 5, 13 (2016) (“Strategic election manipulation . . . is on the rise . . .”); see also STEVEN LEVITSKY & DANIEL ZIBLATT, *HOW DEMOCRACIES DIE 2* (Penguin Random House 2019) (2018) (“American politicians now treat their rivals as enemies, intimidate the free press, and threaten to reject the results of elections. They try to weaken the institutional buffers of our democracy, including the courts, intelligence services, and ethics offices.”). There are literally hundreds more articles and books charting concerns about the diminishing of democratic norms. In October of 2017, Vox convened a group of twenty noted scholars at Yale University to discuss the status of democratic self-government. There was broad agreement that American democracy is eroding on multiple fronts—socially, culturally, and economically. See Sean Illing, *20 of America’s Top Political Scientists Gathered to Discuss Our Democracy. They’re Scared.*, VOX (Oct. 13, 2017), <https://www.vox.com/2017/10/13/16431502/america-democracy-decline-liberalism> [<https://perma.cc/K8LT-N7M2>] (“The scholars pointed to breakdowns in social cohesion (meaning citizens are more fragmented than ever), the rise of tribalism, the erosion of democratic norms such as a commitment to rule of law, and a loss of faith

wake of the 2016 election, which saw accusations of vote irregularities, various “dirty tricks,” and the victory—compliments of the Electoral College—of a candidate who lost the popular vote by a margin of nearly three million.²

Scholars and pundits have offered a variety of theories to explain the loss of democratic accountability, and many of their analyses are persuasive. Undoubtedly, a number of factors have contributed to the current weaknesses of America’s democratic systems. It is the thesis of this paper, however, that the significance of one such contributing cause is routinely underappreciated: the American public’s lack of civic literacy.³

I. CIVIC IGNORANCE

A substantial and growing body of data indicates that a majority of Americans are woefully ignorant of America’s Constitution and basic legal structures. In 2016, only 26 percent of the American public could name the three branches of government.⁴ Fewer than half of twelfth

in the electoral and economic systems as clear signs of democratic erosion.”).

2. In 2012, Common Cause and the Lawyers’ Committee for Civil Rights compiled a report identifying growing examples of vote suppression. *See* COMMON CAUSE & LAWYERS’ COMMITTEE FOR CIVIL RIGHTS UNDER LAW, *DECEPTIVE ELECTION PRACTICES AND VOTER INTIMIDATION: THE NEED FOR VOTER PROTECTION* 1, 2 (2012), <https://lawyerscommittee.org/wp-content/uploads/2015/07/DeceptivePracticesReportJuly2012FINALpdf.pdf> [https://perma.cc/9AQA-REM6] [hereinafter COMMON CAUSE VOTE SUPPRESSION REPORT 2012] (“These ‘dirty tricks’ often take the form of flyers or robocalls that give voters false information about the time, place, or manner of an election, political affiliation of candidates, or criminal penalties associated with voting.”); *see also* JOSHUA CLARK, *WIDENING THE LENS ON VOTER SUPPRESSION: FROM CALCULATING LOST VOTES TO FIGHTING FOR EFFECTIVE VOTING RIGHTS* 9 (Haas Inst. for a Fair & Inclusive Soc’y at UC-Berkeley 2018), https://haasinstitute.berkeley.edu/sites/default/files/haas_institute_wideningthelensonvotersuppression_july2018_publish.pdf [https://perma.cc/K6VQ-JMJB] (“Since the 2016 presidential election, public interest in voting misconduct has surged . . .”).

3. *See* MICHAEL X. DELLI CARPINI & SCOTT KEETER, *WHAT AMERICANS KNOW ABOUT POLITICS AND WHY IT MATTERS* 278 (Yale University Press 1996) (“[S]ubstantial differences between advantaged and disadvantaged citizens and groups in access to political knowledge (and the means for efficiently acquiring it over a lifetime) will remain.”); Robert L. Dudley & Alan R. Gitelson, *Political Literacy, Civic Education, and Civic Engagement: A Return to Political Socialization?*, 6 *APPLIED DEV. SCI.* 175, 176 (2002) (“A 1987 survey conducted by the National Constitution Center, for instance, concluded that 62% of the respondents could not name all three branches of government.”). *See generally* William A. Galston, *Civic Knowledge, Civic Education, and Civic Engagement: A Summary of Recent Research*, 30 *INT’L J. PUB. ADMIN.* 623 (2007). For an overview of the copious literature documenting Americans’ lack of civic literacy, see the annotated bibliography maintained by the Center for Civic Literacy at Indiana University Purdue University Indianapolis. *IND. UNIV. CTR. FOR CIVIL LITERACY, ANNOTATED BIBLIOGRAPHY*, https://civilliteracy.iupui.edu/wp-content/uploads/2013/04/Annotated-Bibliography_CCL.pdf [https://perma.cc/3K3Q-5QLB] (last updated Sept. 11, 2013) [hereinafter IUPUI ANNOTATED BIBLIOGRAPHY].

4. ANNENBERG PUBLIC POLICY CENTER, 2018 ANNENBERG CONSTITUTION DAY CIVICS

graders are able to describe the meaning of federalism and only 35 percent of teenagers can correctly identify “We the People” as the first three words of the Constitution.⁵ In a survey cited by the Carnegie Foundation, just over one third of Americans thought that, while the Founding Fathers gave each branch of government significant power, they gave the president “the final say,”⁶ and just under half (47 percent) knew that a 5-4 decision by the Supreme Court carries the same legal weight as a 9-0 ruling.⁷ Almost one third mistakenly believed that a United States Supreme Court ruling could be appealed,⁸ and one in five believed that when the Supreme Court divides 5-4, the decision is referred to Congress for resolution.⁹ A mere 14 percent of the public thought the case would be sent back to the lower courts.¹⁰ Thus, there is an enormous amount of research confirming the nature and extent of Americans’ civic deficit.¹¹

II. DEMOCRATIC VITALITY AND THE (UN)INFORMED VOTER

There is, as noted above, widespread agreement among scholars and pundits that the United States has experienced a significant erosion of democratic processes and norms and a corresponding loss of democratic legitimacy.¹² Voters exhibit high levels of distrust of the country’s

SURVEY 1, 1 (2018), https://cdn.annenbergpublicpolicycenter.org/wp-content/uploads/2018/09/Appendix_2018_Annenberg_civics_survey.pdf [<https://perma.cc/E7V7-YBBZ>] [hereinafter ANNENBERG SURVEY].

5. Sheila Kennedy, *Is Low Civic Literacy a Wicked Problem?*, IND. UNIV. CTR. FOR CIVIC LITERACY: CIVIC BLOG (Jan. 1, 2015), <https://civilliteracy.iupui.edu/is-low-civic-literacy-a-wicked-problem/> [<https://perma.cc/D9KR-UBP8>] (“Only 36 percent of Americans can name the three branches of government. Fewer than half of 12th grade students can describe the meaning of federalism. Only 35% of teenagers can identify ‘We the People’ as the first three words of the Constitution. Fifty-eight percent of Americans can’t identify a single department in the United States Cabinet. Only 5% of high school seniors can identify checks on presidential power, only 43% could name the two major political parties, only 11% knew the length of a Senator’s term, and only 23% could name the first President of the United States.”).

6. LEONORE ANNENBERG INST. FOR CIVICS, *GUARDIAN OF DEMOCRACY: THE CIVIC MISSION OF SCHOOLS 4* (Jonathan Gould et al. eds, 2011), https://www.carnegie.org/media/filer_public/ab/dd/abdda62e-6e84-47a4-a043-348d2f2085ae/ccny_grantee_2011_guardian.pdf [<https://perma.cc/B52R-8KVR>] [hereinafter *GUARDIAN OF DEMOCRACY*].

7. ANNENBERG SURVEY, *supra* note 4, at 5.

8. *GUARDIAN OF DEMOCRACY*, *supra* note 6 at 4.

9. *Id.*

10. *Id.*

11. The Center for Civic Literacy at IUPUI has been researching both the causes and consequences of that civic deficit since 2012, and has produced both a body of original research and an annotated bibliography detailing the copious amount of previously existing scholarship about what Americans know and don’t, and why that ignorance matters. See IUPUI ANNOTATED BIBLIOGRAPHY, *supra* note 3.

12. See Meira Levinson, *The Civic Empowerment Gap: Defining the Problem and Locating Solutions*, in *HANDBOOK OF RESEARCH ON CIVIC ENGAGEMENT IN YOUTH* 331 (Lonnie R.

political structures and express considerable cynicism about the nation's governance.

A survey of the relevant literature suggests that the erosion of American democracy can be attributed to three interrelated causes: *ignorance* (especially of politics and governance, and defined as a lack of essential information, not stupidity); the growth of *inequality* (not just economic inequality, but also civic inequality, and power and informational asymmetries); and a resurgent *tribalism* (racism and White Nationalism, sexism, homophobia, religious bigotry, the urban/rural divide, and political identity).

On a personal level, civic ignorance complicates the interactions between citizens and their government that are an almost daily part of American life in the twenty-first century. Ignorance also exacerbates inequality; citizens who understand how the political system works are advantaged in a number of ways over those who do not. Ignorance of the overarching national principles to which citizens are bound encourages political constituencies to work for passage of laws and policies advantageous to their specific interests (or consistent with their parochial worldviews) that often conflict with both the Constitution and the common good.

Americans' cynicism about government and their fear and suspicion of those they see as "other" have been exacerbated by a media environment in which large amounts of disinformation are disseminated through websites and multiplying social media platforms.¹³ Spin, propaganda, "fake news," and outright conspiracies thrive in the Wild West that is the internet, and civic ignorance facilitates their wide acceptance. According to American Intelligence agencies, Russian "bots" successfully exploited both that ignorance and America's tribal

Sherrrod, Judith Torney-Purta, & Constance A. Flanagan eds., 2010) ("[T]here is a profound *civic empowerment gap* in the United States . . . [P]olitical power is distributed in vastly unequal ways among U.S. citizens."); see also Ludvig Beckman, *Deciding the Demos: Three Conceptions of Democratic Legitimacy*, 22 CRITICAL REV. INT'L SOC. & POL. PHIL. 412 (2019).

13. See Robert Chesney & Danielle K. Citron, *Disinformation on Steroids*, COUNCIL ON FOREIGN REL. (Oct. 16, 2018), <https://www.cfr.org/report/deep-fake-disinformation-steroids> [<https://perma.cc/J64L-DTHT>] ("In the United States and many other countries, society already grapples with surging misinformation resulting from the declining influence of quality-controlled mass media and the growing significance of social media as a comparatively unfiltered, many-to-many news source."); see also Chris Meserole, *How Misinformation Spreads on Social Media, and What to Do About It*, BROOKINGS INST. (May 9, 2018), <https://www.brookings.edu/blog/order-from-chaos/2018/05/09/how-misinformation-spreads-on-social-media-and-what-to-do-about-it/> [<https://perma.cc/7XGS-CP4K>] ("The flow of misinformation on Twitter is thus a function of both human and technical factors. Human biases play an important role: Since we're more likely to react to content that taps into our existing grievances and beliefs, inflammatory tweets will generate quick engagement.").

differences during the 2016 election cycle.¹⁴

A. *How Did We Get Here?*

In *Diversity and Distrust*, Stephen Macedo addressed the importance of civic education and the civic mission of the nation's public schools.¹⁵ As he wrote, the project of creating citizens is one that every liberal democratic state must undertake, and that project requires what he called "a degree of moral convergence" in order to sustain a constitutional order.¹⁶ The most pluralist, diverse, and tolerant polities still require substantial agreement on basic political values. Such agreement (or disagreement, for that matter) requires knowing those values. The primary responsibility for transmitting that information lies with the public schools.

American public education has been criticized and attacked for years. Business organizations complain about inadequate workforce development; technology companies demand more STEM (science, technology, engineering, and math) instruction.¹⁷ Urban minority populations point to glaring evidence of unequal resources between schools attended primarily by poor children and those located in wealthier suburbs.¹⁸ Popular magazines "rate" high schools and colleges by calculating the percentages of students who are gainfully employed upon graduation, and state-level legislators respond to the critics by requiring ever-more rigorous high-stakes testing, and threatening to "weed out" teachers whose classes fail to meet the desired test results. That testing

14. See KATHLEEN HALL JAMIESON, *CYBERWAR: HOW RUSSIAN HACKERS AND TROLLS HELPED ELECT A PRESIDENT* 43 (2018) ("With a large network consisting of Russian trolls, true believers, and bots, it suddenly became easier to get topics trending with a barrage of tweets."); see also Martin Matishak, *Intelligence Heads Warn of More Aggressive Election Meddling in 2020*, POLITICO (Jan. 29, 2019), www.politico.com/story/2019/01/29/dan-coats-2020-election-foreign-interference/ [<https://perma.cc/5ZB4-TDSL>] ("[T]he clandestine community remains keenly aware of the threat following the massive, Kremlin-backed assault on the 2016 presidential election.").

15. STEPHEN MACEDO, *DIVERSITY AND DISTRUST: CIVIC EDUCATION IN A MULTICULTURAL DEMOCRACY* 230 (2000) ("The one thing we should not do is to ignore the civic purposes that have so powerfully shaped the institution of public schooling.").

16. *Id.* at 2.

17. See James Bessen, *Workers Don't Have the Skills They Need – and They Know It*, HARV. BUS. REV. (Sept. 17, 2014), <https://hbr.org/2014/09/workers-dont-have-the-skills-they-need-and-they-know-it> [<https://perma.cc/Y4BS-7L77>] ("[E]mployers have repeatedly reported that they have difficulty finding workers with the skills needed for today's jobs."); see also Arthur Herman, *America's High-Tech STEM Crisis*, FORBES (Sept. 10, 2018), <https://www.forbes.com/sites/arthurherman/2018/09/10/americas-high-tech-stem-crisis/> [<https://perma.cc/22RW-ZUJX>] ("Experts have complained for decades that Americans don't excel enough in the so-called STEM (i.e. science, technology, engineering, and mathematics) disciplines.").

18. Rebecca Bellan, *\$23 Billion Education Funding Report Reveals Less Money for City Kids*, CITYLAB (Mar. 27, 2019), www.citylab.com/equity/2019/03/education-nonwhite-urban-school-districts-funding-tax/585691 [<https://perma.cc/46LY-PCTN>].

almost never includes evaluation of civic competence.¹⁹

In many states, privatization advocates have established state voucher programs that permit parents to remove their children from the public school systems entirely and send them to private (almost always religious) schools.²⁰ A recent survey I conducted with a colleague found that none of those programs require participating schools to offer civics instruction.²¹ Although the outcomes of these and other specific efforts to improve public education range from distressing to debatable, the very different diagnoses of the systems' problems and reformers' very different prescriptions for improvement have highlighted what may be the most significant impediment to effective education reform: a lack of agreement about what education is, how success should be measured, and what the mission of public schools should encompass in a diverse and democratic nation.²² To say that people engaged in this public debate are continuing to talk past each other would be an understatement.

Education reform that neglects the civic mission of public schools would seem to be inadequate by definition, yet education reformers have only recently begun to focus on the importance of civic education.²³ An added irony of that neglect is that schools are increasingly being tasked with helping students achieve "news literacy" by equipping them with tools they can use to assess the credibility of the media sources they encounter.²⁴ One of the most effective such tools is civic knowledge.

19. See Cullen C. Merritt et al., *The Civic Dimension of School Voucher Programs*, PUB. INTEGRITY ONLINE (Dec. 20, 2018) (manuscript at 11–14), manuscript available at <https://scholarworks.iupui.edu/bitstream/handle/1805/17672/Merritt,%20Kennedy,%20Farnworth.pdf?sequence=1> [<https://perma.cc/4HRS-GCU7>] (noting the limited prevalence of civics courses in both public and private elementary school settings).

20. *Id.* (manuscript at 6) (citing Henry M. Levin, *A Comprehensive Framework for Evaluating Educational Vouchers*, 24 *Educ. Eval. & Pol'y Analysis* 159, 168 (2002)).

21. *Id.* (manuscript at 28).

22. *Id.* (manuscript at 16).

23. A recent report from the National Council for the Social Studies, titled *Revitalizing Civic Learning in Our Schools*, confirms both the sad state of civic knowledge and the gradual recognition that schools need to do better. NAT'L COUNCIL FOR THE SOC. STUDIES, *REVITALIZING CIVIC LEARNING IN OUR SCHOOLS* (2013), https://www.socialstudies.org/positions/revitalizing_civic_learning [<https://perma.cc/W6SZ-FQSR>] (“[T]he narrowing of the curriculum that has occurred over the past several years combined with the scarce attention to civic learning in a number of state standards and assessment measures has had a devastating effect on schools' ability to provide high quality civic education to all students. Further threatening the civic health of our nation is the civic opportunity gap that emerges when schools provide poor and nonwhite students fewer and less high-quality civic learning opportunities than they provide to middle class and wealthy white students—all of this at a time when democratic aspirations are surging across the globe.”).

24. See Erika Karp, *Stony Brook's Center for News Literacy Launches Groundbreaking MOOC*, CTR. FOR NEWS LITERACY (Dec. 12, 2016) <https://www.centerfornewsliteracy.org/stony-brooks-center-for-news-literacy-launches-groundbreaking-mooc/> [<https://perma.cc/2TG4-CZHD>] (explaining the Center's new course intended to help students determine the credibility of news).

When a website, blog, or other news source accuses a political figure of doing or failing to do something that falls outside her authority, or makes a claim that is otherwise inconsistent with American constitutional principles or governance structures, students who are civically literate are far more likely to recognize those misstatements and to question the credibility of the sources providing them.

The contrast between students in the majority of states, which have largely abandoned the teaching of civics, with students from those few that continue to offer and fund effective civic education is striking. In the aftermath of the horrific shooting at Marjory Stoneman Douglas High School in Parkland, Florida, the activism and eloquence of the students who survived frequently raised the question: Why are these kids so articulate and effective?

As the Christian Science Monitor explained, “[t]hanks to state law, [Marjory Stoneman Douglas students] have benefited from a civic education that many Americans have gone without—one that has taught them how to politically mobilize, articulate their opinions, and understand complex legislative processes. Now they are using their education to lead their peers across the country.”²⁵

“Parkland really shows the potential of public civic education,” says Kei Kawashima-Ginsberg, director of the Center for Information and Research on Civic Learning and Engagement at Tufts University in Medford, Mass.²⁶ “The goal is to make every student like that—not afraid to discuss difficult issues,” and to teach students the skills and knowledge necessary to express a viewpoint.²⁷

In 1996, Michael X. Delli Carpini and Scott Keeter published *What Americans Know About Politics and Why It Matters*.²⁸ It remains one of the most important studies of America’s low levels of civic literacy. As they wrote:

[F]actual knowledge about politics is a critical component of citizenship, one that is essential if citizens are to discern their real interests and take effective advantage of the civic opportunities afforded them . . . knowledge is a keystone to other civic requisites. In the absence of adequate information neither passion nor reason is likely to lead to decisions that reflect the real interests of the public. And

25. Story Hinckley, *Teens Take the National State, Armed with . . . Civics Lessons?*, CHRISTIAN SCI. MONITOR (Mar. 23, 2018), <https://www.csmonitor.com/EqualEd/2018/0323/Teens-take-the-national-stage-armed-with-civics-lessons> [<https://perma.cc/B2EA-B6SW>].

26. *Id.*

27. *Id.*

28. CARPINI & KEETER, *supra* note 3.

democratic principles must be understood to be accepted and acted on in any meaningful way.²⁹

When America's schools ignore their responsibility to provide students with an adequate civic education, there are no other institutions able to fill the resulting vacuum.

III. CONSEQUENCES

As a purely practical matter, individuals who don't know what officeholders do, who don't understand the division of responsibility between federal, state, and local government units, who don't know who has authority to solve their problems with zoning or trash removal or missing social security payments, or the myriad other issues that arise at the intersection of public services and individual needs, lack personal efficacy. At best, that lack of knowledge is a barrier to the prompt resolution of issues that most citizens must deal with. At worst, it puts them at a considerable disadvantage in legal or political conflicts with more informed citizens.

The multiple implications for democratic governance, however, are far more serious than the personal disadvantages exacerbated by civic ignorance. For one thing, voters who have only the haziest notion of the tasks for which their elected officials are responsible have no way of evaluating the performance of those officials for purposes of casting informed votes. Voters who don't understand checks and balances or the functions of the judiciary are more easily persuaded that "imperial" courts have acted illegitimately when a decision is issued with which they disagree, and to believe that the courts should represent majority opinion rather than uphold the rule of law.³⁰ Voters who don't know their rights are more easily deprived of those rights by state actors who are acting illegitimately, as various examples of vote suppression have illustrated. Citizens intimidated by authority are unlikely to petition local or state government agencies for redress of grievances, whether those grievances are streets and sidewalks in disrepair or partisan gerrymandering.³¹ Additionally, research confirms that less knowledgeable citizens are less likely to engage with the democratic system, and much less likely to

29. *Id.* at 5.

30. Alia Wong, *Civics Education Helps Create Young Voters and Activists*, ATLANTIC (Oct. 5, 2018), <https://www.theatlantic.com/education/archive/2018/10/civics-education-helps-form-young-voters-and-activists/572299/> [<https://perma.cc/9J7Q-9RHC>].

31. See SHEILA KENNEDY, *GOD AND COUNTRY: AMERICA IN RED AND BLUE* 67 (Baylor University Press 2007) [hereinafter KENNEDY, *GOD AND COUNTRY*] (discussing inherent tension between local and federal determination of policy). See generally SHEILA SUESS KENNEDY, *WHAT'S A NICE REPUBLICAN GIRL LIKE ME DOING IN THE ACLU?* (Prometheus Books 1997).

vote.³² Civic ignorance ultimately results in civic inequality.

Even more troubling is the fact that people who have never encountered, and thus don't understand, the basic philosophy of the United States Constitution can neither form an allegiance to its principles nor articulate reasons for rejecting such an allegiance. Lack of knowledge of the structures of governance, and the lack of personal and democratic efficacy that results, breeds suspicion and cynicism about the powers that be. These attitudes not only discourage civic participation, but also have a detrimental effect upon the individual's identification with other American citizens. As a result, rather than seeing themselves as part of the American mosaic, rather than seeing American diversity through the lens of *e pluribus unum*, the loyalties of the uninformed tend to default to their tribal affiliations.

Unlike citizens of countries characterized by racial or ethnic homogeneity, American identity is rooted in allegiance to a particular worldview; it is based upon an understanding of government and citizenship originating with the Enlightenment and subsequently enshrined in the United States Constitution and Bill of Rights. When a polity is diverse, as in the United States, it is particularly important that citizens know the history and philosophy of their governing institutions. In the absence of other ties—race, religion, national origin—a common devotion to constitutional principles and democratic norms is critical to the formation of national identity. That devotion obviously requires knowing what those principles and norms are. If American diversity means that our national ideals must constitute our *civil religion* and act as our social glue, ignorance of those ideals becomes far more consequential than is commonly understood.

The United States' national motto, *e pluribus unum*, translates into “out of the many, one,” and political theorists have long argued that a common belief structure, or civil religion, is required in order to turn the many into the one.³³ Traditional religions cannot serve that purpose in our polyglot society; adherents of virtually every religion on the globe live in the United States, and recent polls show considerable growth in the numbers of Americans who consider all religion irrelevant to their lives and value

32. Alex Vandermaas-Peeler et al., *American Democracy in Crisis: The Challenges of Voter Knowledge, Participation, and Polarization*, PRRI (July 7, 2018), <https://www.prii.org/research/american-democracy-in-crisis-voters-midterms-trump-election-2018/> [<https://perma.cc/8623-5VST>]; see also William A. Galston, *Political Knowledge, Political Engagement, and Civic Education*, 4 ANN. REV. POL. SCI. 217, 223–24 (2001) (discussing the significance of political knowledge and the direct relationship between such knowledge and participation in public matters).

33. See Robert N. Bellah, *Civil Religion in America*, 96 DAEDALUS 1, 5–9 (1967) (explaining how religions work with one another to create a civil religion in America).

structures.³⁴ Americans don't share races or ethnicities or countries of origin, and those who live in different parts of the United States occupy different political and social cultures. These extensive differences raise profoundly important questions: What commonalities are available to enable and define the collective civic enterprise? What makes one an American?

IV. AMERICA'S CIVIL RELIGION

The term "civil religion" was first coined in 1967 by Robert N. Bellah, and it remains the standard reference for the concept.³⁵ The proper content of such a civil religion, however, has been the subject of debate since the Revolutionary War. Over the past decades, as the nation's diversity has dramatically increased, that debate has taken on added urgency. A civil religion, or common value structure, provides citizens with a sense of common purpose and identity. Despite the claims of some conservative Christians, Christianity does not provide that social glue; the United States is not, and has never been, an officially Christian nation, although culturally it has historically been Protestant. Furthermore, the United States Constitution contains no reference to deity, and Article VI, Clause 3, specifically rejects the use of any religious test for citizenship or public office.³⁶ In order to be consistent with the Constitution, any civil religion must respect the nation's commitment to individual autonomy in matters of belief, while still providing an overarching value structure to which most, if not all, citizens can subscribe. This is no small task in a nation founded upon the principle that government must be neutral among belief systems. This constitutionally-required state neutrality has long been a source of considerable political tension between citizens intent upon imposing their religious beliefs on their neighbors and those who reject efforts to enforce religious hegemony.³⁷ Americans'

34. See Jack Jenkins, 'Nones' Now as Big as Evangelicals, Catholics in the U.S., RELIGION NEWS SERV. (Mar. 21, 2019), <https://religionnews.com/2019/03/21/nones-now-as-big-as-evangelicals-catholics-in-the-us/> [<https://perma.cc/B86R-32EK>] (noting a 2 percent rise in Americans who report having no religious traditions since 2016, matching overall identification of both Evangelicals and Catholics).

35. See generally Bellah, *supra* note 33.

36. U.S. CONST. art. VI, cl. 3 ("The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.").

37. American legal history is replete with cases challenging prayer and religious practices in the nation's public schools, and the propriety of affixing religious mottos to public buildings. Meanwhile, efforts to make American law conform to the beliefs of some religious denominations about abortion are, if anything, more fervent than ever, as are efforts to roll back hard-won civil

dramatically different approaches to traditional religion and spirituality means that religious theologies cannot serve as the country's civil religion.

However, most Americans do claim to endorse an overarching ideology, or civil religion: a belief system based upon the values of individual liberty and equal rights enshrined in the United States Constitution and Bill of Rights.³⁸ If those claims are to have actual content, if allegiance to the Constitution is to function as an “umbrella” belief system that supersedes tribalism, citizens must have a familiarity with its principles and their application, and a common understanding of their proper application.

Currently, they do not.

Significantly improving citizens' levels of civic literacy will not magically repair America's currently broken governance, but we will not be able to fix what is broken without such improvement. Civic literacy is not sufficient, but it is essential.

rights of LGBTQ citizens.

38. See KENNEDY, *GOD AND COUNTRY*, *supra* note 31, at 35.

The cultural transmission of religious worldviews has clearly contributed to the salience of religion as a persistent feature of the American experience. Despite the religious fervor of the Great Awakening and the explicitly religious ideology expressed through the revolution, at the time of the nation's founding, only 17 percent of Americans were actually members of any church. Despite this low level of actual religious affiliation, the then prevailing cultural worldviews rooted in religion have shaped later American attitudes in numerous ways.

Id.